

Application Serial No: 10/530,725  
Responsive to the Office Action mailed on: February 21, 2007

**REMARKS**

This Amendment is in response to the Office Action mailed on February 21, 2007. Claims 1, 6 and 14 are amended. Claims 1, 6 and 14 are amended editorially and are supported, for example, in Figure 4. Claim 6 is further amended editorially and is supported, for example, in the specification on page 10, lines 11-15 and Figure 1. No new matter is added. Claims 1-13 are pending with claims 14-18 being withdrawn.

**§112, Second Paragraph:**

Claims 6-13 are rejected as being indefinite. Claim 6 is amended to remove the term "detector" and provide structural relationships between the elements. Withdrawal of this rejection is requested.

**§102 Rejections:**

Claims 1-13 are rejected as being anticipated by Matzinger (US Patent No. 5,780,759). This rejection is traversed.

Claim 1 is directed to an analyzing method that requires, inter alia, a second detection step for irradiating light onto a reference board to detect a response from the reference board as a second detection result, the response from the reference board varies continuously with varying wavelength. An advantage of these features is that an accurate optical measurement of the concentration of a specific component in a sample liquid can be obtained even if the wavelength of the light irradiated onto a reaction system deviates from an intended value.

Matzinger does not disclose or suggest these features. Matzinger is directed to a method for analyte detection that uses LEDs designed to emit light at a fixed wavelength of 660 nm or 940 nm (see column 11, lines 16-18 and column 12, lines 25-56). Matzinger also includes a gray target (45) and a standard zone (60). The gray target (45) is not dependent on wavelength. The standard zone (60) is designed only to provide a higher reflectance than a reaction zone, and any wavelength dependence of the standard zone (60) is not used for measurement correction (see column 9, line 66-page 10, line 21). Thus, any adjustment or correction made to the method is based on the assumption that each LED emits light at a fixed wavelength. Nowhere does Matzinger contemplate

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providing a second detection step for irradiating light onto a reference board to detect a response from the reference board as a second detection result, the response from the reference board varies continuously with varying wavelength, as required by claim 1. For at least these reasons claim 1 is not suggested by Matzinger. Claims 2-5 depend from claim 1 and should be allowed for at least the same reasons.

Claim 6 is directed to an analyzing device that requires, among other features, a detecting unit arranged to face a reaction system and a reference board for detecting a first response from the reaction system under light irradiation from a light irradiator, the detecting unit detecting a second response from the reference board under light irradiation from the light irradiator, the second response from the reference board varies continuously with varying wavelength.

Matzinger does not disclose or suggest these features. Matzinger is directed to a method for analyte detection that uses LEDs designed to emit light at a fixed wavelength of 660 nm or 940 nm (see column 11, lines 16-18 and column 12, lines 25-56). Matzinger also includes a gray target (45) and a standard zone (60). The gray target (45) is not dependent on wavelength. The standard zone (60) is designed only to provide a higher reflectance than a reaction zone, and any wavelength dependence of the standard zone (60) is not used for measurement correction (see column 9, line 66-page 10, line 21). Thus, any adjustment or correction made to the method is based on the assumption that each LED emits light at a fixed wavelength. Nowhere does Matzinger contemplate a detecting unit detecting a second response from a reference board under light irradiation from the light irradiator, the second response from the reference board varies continuously with varying wavelength, as required by claim 6. For at least these reasons claim 6 is not suggested by Matzinger. Claims 6-13 depend from claim 6 and should be allowed for at least the same reasons.

Withdrawn Claims 14-18:

Applicant notes the following with respect to withdrawn claims 14-18. Claim 14 is amended to share the same distinguishing feature as claims 1 and 6. Applicant therefore requests that claims 14-18 be reinstated in this application and prosecuted on the merits.

**AUG 21 2007**

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Conclusion:

Applicant respectfully asserts that claims 1-13 are now in condition for allowance. Accordingly, Applicant requests that claims 14-18 be reinstated. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicant's primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.



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Respectfully submitted,

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